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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,546	09/24/2004	Pei-Yu Chiu	ACMP0235USA	5545
27765	7590	04/30/2008	EXAMINER	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			TRAN, THANG V	
			ART UNIT	PAPER NUMBER
			2627	
			NOTIFICATION DATE	DELIVERY MODE
			04/30/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

winstonhsu.uspto@gmail.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/711,546	<b>Applicant(s)</b> CHIU ET AL.	
	<b>Examiner</b> Thang V. Tran	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11/12/04.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,7,8,10-16 and 18 is/are rejected.
- 7) ☒ Claim(s) 2-4,6,9,17 and 19-25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1:

It is unclear what is meant by the term “completing the section” as recited in step (d).

Did applicant intend to state -- writing data on the section--?

In claim 2:

It is unclear from this claim as to why a section of the multi-section is checked if it is a first section since it has never been used later in this claim. What is next if it is a first section or not a first section? Applicant is suggested to incorporate limitations in claim 3 into this claim.

In claim 4:

It is unclear what is meant by the term “completing the section” as recited in line 5. Did applicant intend to state -- writing data on the section--?

In claims 5 and 6:

It is unclear from these claims as to why a local recording power profile is determined since it has never been used later in these claims.

In claim 7:

It is unclear what is meant by the term “completing the section” as recited in line 1. Did applicant intend to state -- writing data on the section--?

In claims 8 and 9:

It is unclear from these claims as to why a local recording power profile is determined since it has never been used later in these claims.

In claim 10:

It is unclear what is meant by the term “completing the section” as recited in line 1. Did applicant intend to state -- writing data on the section--?

In claims 11-13, 20 and 21:

It is unclear from these claims as to why a nominal recording power value is derived since it has never been used later in these claims.

In claim 12:

The term “the recording power data” lacks antecedent basis.

In claim 19:

It is unclear from this claim as to why a disc-wide recording power profile is determined by step (k) since it has never been used later in this claim.

In claims 22 and 23:

It is unclear from these claims as to why a local recording power profile is determined since it has never been used later in these claims.

In claim 24:

It is unclear what is meant by the term “completing the section” as recited in line 1. Did applicant intend to state -- writing data on the section--?

Claims 3, 14-18 and 25 fall with their respective parent claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5, 7, 8, 10-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyata (US 6,052,347).

Regarding claim 1, see Figs. 2A-14, which disclose a device comprising: (a) an optical head (35) moved by moving device (37) to a lead-in area (11, 15 or 19 in Figs. 6-8) of a multi-session recordable disc; an OPC in the lead-in area of the session of the multi-session recordable disc is performed to generate an OPC output (see device 39) ; (c) a recording power is determined according to the OPC output (see device 39); and (d) the session is completed/recorded with data according to the determined recording power. Also, see Figs. 12 and 13 for details.

Regarding claims 5 and 7, see column 5, lines 18-29. It is noted that profiled data is recording power  $P_o$  recommended by the disk manufacture.

Regarding claims 8 and 10, see column 5, lines 18-29 and column 8, line 40 to column 9, line 21. It is noted that recording power data encoded on the disc is test recording power data recorded on the disc

Regarding claim 11, see column 6, lines 18-29. It is noted that profiled data is recording power  $P_o$  recommended by the disk manufacture.

Regarding claim 12, see column 8, line 40 to column 9, line 21, for limitations recited in this claim. It is noted that recording power data encoded on the disc is test recording power data recorded on the disc.

Regarding claims 13 and 14, see column 6, lines 18-29 and column 8, lines 52-62.

Regarding claim 15, see the velocities described in Fig. 3 and 4.

Regarding claim 16, limitation recited in this claim is inherently included when OPC is performed in the test area in the OPC area as shown in Fig. 6 or 8.

Regarding claim 18, see column 8, lines 52-62. It is noted that recording power data encoded on the disc is test recording power data recorded on the disc.

***Allowable Subject Matter***

5. Claims 2-4, 6, 9, 17 and 19-25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 19-25 are allowable over the prior art of record because the prior art of record, considered alone or in combination, fails to suggest or fairly teach a method of writing a multi-session recordable disc as recited in claim 1 and further comprising a step of checking if a session of the multi-session recordable disc to be written is a first session of the multi-session recordable disc, as recited in claim 2; or a step of determining a local recording power profile according to the OPC output and predetermined profile data comprises determining a local recording power profile by interpolating the predetermined profile data according to the OPC output, as recited in claim 6; or a step of determining further determine a local recording power

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profile according to the OPC output and recording power data encoded on the recordable disc comprises determining a local recording power profile by interpolating the recording power data encoded on the recordable disc according to the OPC output, as recited in claim 9; or a step of setting unused frame bits of the buffer zone to a logic zero state; as recited in claim 17; or a combination of the following steps: (j) performing an optimum power calibration (OPC) in a power calibration area (PCA) to generate an OPC output; and (k) determining a disc-wide recording power profile by interpolation of predetermined profile data according to the OPC output of step (j), as recited in claim 19. Claims 3, 4, 20-25 are allowable with their respective parent.

### *Cited References*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to an optical device having a power controller for determining a recording power according to an optimal power calibration or test recording.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (571) 272-7595. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thang V. Tran/  
Primary Examiner  
Art Unit 2627